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09/834,385

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David Carrel

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10/04/2006

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EXAMINER

OSMAN, RAMY M

ART UNIT

PAPER NUMBER

2157

DATE MAILED: 10/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/834,385

Applicant(s)

CARREL ET AL.

Examiner

Ramy M. Osman

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22-24 is/are allowed.
- 6) ☒ Claim(s) 1-9, 12, 15-21 and 28-30 is/are rejected.
- 7) ☒ Claim(s) 10, 11, 13, 14, 25-27 and 30 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Status of Claims

1. The communication is responsive to RCE amendment filed on August 25, 2006, where applicant amended claims 1,5,8,12-15,18,22-28. Claims 1-30 are pending.

Response to Arguments

2. In regards to the 112 second paragraph rejection of claims 1-4,8-14,18-21,25-27, Examiner appreciates Applicants explanation and supporting documents clarifying the meaning of "insert a route". Applicants arguments are found to be persuasive and therefore the 112 first paragraph enablement rejection is withdrawn. However, objection to the claims and a new 112 second paragraph rejection are introduced below.
3. Applicant's arguments, filed 8/25/2006, with respect to the rejection(s) of claim(s) 1-30 under 102 (e) and 103 (a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection of claims 1-10,12,15-21 and 28-30 is made as shown below.

Claim Objections

4. Claims 1-4,8-14,18-21,25-27 objected to because of the following informalities: Change "insert a route" to "add a route". Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-4,8-14,18-21,25-27 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which

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applicant regards as the invention. For example, claim 1 states “applying the set of network layer information to the host at the data link layer to insert a route to at least one content server”. It is unclear where the route is being inserted to, which renders the claim vague and indefinite. It cannot be ascertained whether the route is being inserted into the host, or into the content server, or if the route is being inserted into the remote access concentrator (wherein the route that is inserted into the concentrator is a route destined to the content server). If applicant intends that the route is inserted into the content server, then there is no support in the specification for this limitation, and the limitation may subsequently be rejected under 112 first paragraph for lack of enablement. However, if applicant intends that the route is inserted into the remote access concentrator, then the limitation is incomplete. The claim language is unclear.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. **Claims 1,3,4,6,8,15,17,18,20,21 and 28-30 rejected under 35 U.S.C. 102(e) as being anticipated by Shachar et al (US Patent No 5,764,736).**

9. In reference to claims 1,15,18 and 28-30, Shachar teaches a machine readable medium, an apparatus, a method and a corresponding network environment comprising:

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establishing a session at a data link layer between a host and an remote access concentrator through a customer premise equipment, the customer premise equipment is separate from the host (column 7 lines 37-45 and column 8 lines 23-27, a remote access concentrator is inherently part of the service provider).

determining a set of network layer information corresponding to the session (column 12 lines 15-30); and

applying the set of network layer information to the host at the data link layer to insert a route to at least one content server, the at least one content server being identified by the set of network layer information (column 12 lines 15-30).

10. In reference to claims 3,17 and 20, Shachar teaches claims 1,15 and 18 respectively, further comprising:

establishing a second session at the data link layer between the host and the remote access concentrator (column 12 lines 18-35 & 44-47);

determining a second set of network layer information corresponding to the second session (column 12 lines 18-35); and

applying the second set of network layer information to the host at the data link layer to insert a route to at least one further content server, the further content server being identified by the second set of network layer information (column 12 lines 18-358).

11. In reference to claims 4 and 21, Shachar teaches claims 1 and 18 respectively, further comprising:

establishing a second session at the data link layer between the host and the remote access concentrator (column 12 lines 18-35 & 40-43);

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determining a second set of network layer information corresponding to the second session (column 12 lines 18-35); and

applying the second set of network layer information to the host at the data link layer to insert a route to at least one further content server, the further content server being identified by the second set of network layer information (column 12 lines 18-35).

12. In reference to claim 5, Shachar teaches a machine readable medium that provides instructions, which when executed by a set of processors, cause said set of processors to perform operations comprising:

establishing a first session with a data link layer protocol between a host and a first remote access concentrator through a customer premise equipment, the customer premise equipment separate from the host (column 7 lines 37-45 and column 8 lines 23-27);

determining a first set of network layer information corresponding to the session (column 12 lines 15-30);

establishing a second session with the data link layer protocol between the host and a second remote access concentrator through the customer premise equipment without terminating the first session (column 12 lines 18-35 & 40-43); and

determining a second set of network layer information for the second session (column 12 lines 18-35).

13. In reference to claim 6, Shachar teaches claim 5 wherein the second remote access concentrator is the first remote access concentrator (column 12 lines 18-35).

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14. In reference to claim 8, Shachar teaches a machine readable medium that provides instructions, which when executed by a set of processors, cause said set of processors to perform operations comprising:

establishing a communications session between a host and a remote access concentrator under a first of a plurality of accounts (column 7 lines 37-45 and column 8 lines 23-27)

retrieving a set of network layer information corresponding to the first account (column 12 lines 15-30);

creating a message having the set of network layer information within a data link layer of the message; transmitting the message from the remote access concentrator to the host (column 12 lines 15-30);

extracting the set of network layer information from the message at the data link layer; and applying the set of network layer information to the host to insert, into the host, a route (column 12 lines 15-30).

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. **Claims 2,7,9,12,16 and 19 rejected under 35 U.S.C. 103(a) as being unpatentable over Shachar et al (US Patent No 5,764,736) in view of Chiles et al (US Patent Publication No 2001/0036192).**

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17. In reference to claims 2,7,9,16 and 19, Shachar teaches claims 1,5,8,15 and 18 respectively. Shachar fails to explicitly teach wherein the session is Point-to-Point Protocol over Ethernet. However, Chiles teaches PPPoE communication between client devices and an access concentrator for the purpose of connection to a service provider (paragraphs 60-65). It would have been obvious for one of ordinary skill in the art to modify Shachar by making the session PPPoE for the purpose of accessing the service providers.

18. In reference to claims 12, Siegel teaches a machine readable medium that provides instructions, which when executed by a set of processors, cause said set of processors to perform operations, and a corresponding method comprising:

establishing a session between a host to a remote access concentrator, the session being associated to an account (column 7 lines 37-45 and column 8 lines 23-27); determining a set of network information corresponding to the account in the session (column 12 lines 15-30); and applying the set of network information to the host (column 12 lines 15-30).

Shachar fails to explicitly teach wherein the session is Point-to-Point Protocol over Ethernet. However, Chiles teaches PPPoE communication between client devices and an access concentrator for the purpose of connection to a service provider (paragraphs 60-65). It would have been obvious for one of ordinary skill in the art to modify Shachar by making the session PPPoE for the purpose of accessing the service providers.

Allowable Subject Matter

19. Claims 22-24 allowed.

20. The following is an examiner's statement of reasons for allowance: Applicants invention of establishing multiple simultaneous PPPoE sessions for a single host wherein each PPPoE session is associated with a different account and wherein each of the different accounts includes distinguishing network layer information, is found to be novel. The prior art of record does not teach applicants invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

21. Claims 25-27 would be allowable pending applicant's compliance with the above 112 second paragraph rejection.

22. Claims 10,11,13,14,30 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The following is a statement of reasons for the indication of allowable subject matter:

establishing a first and second communications session between the host and the remote access concentrator under a first and second of a plurality of accounts without terminating the first communication session.

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Conclusion

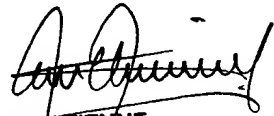
23. Applicant is advised that the above specified citations of the relied upon prior art are only representative of the teachings of the prior art. Any uncited supportive sections within the entirety of the reference (including any figures, incorporation by references, and claims) are implied as being applied to teach the scope of the claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramy M. Osman whose telephone number is (571) 272-4008. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RMO
September 26, 2006


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